

REMARKS

Claims 26-30, 47, and 49-52 are now presented for examination. Claim 48 has been cancelled. Claims 26, 28, and 47 have been amended. No new matter has been added.

Claims 26 and 47 are independent.

On page 2 of the Office Action, Claims 26-30 and 47-52 are objected to because of informalities: the amendment made to claims 26 and 47 "appear to contain a grammatical error". Claims 26 and 47 have been amended to correct the informalities and to further clarify the claimed subject matter.

On page 2 of the Office Action, Claim 28 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 has been amended to clarify the claimed subject matter, and thus is believed to be allowable.

On page 3 of the Office Action, Claims 26, 27, 29-30 and 47-52 are rejected under 35 U.S.C. §102(e) as being anticipated by Kudaravalli, et al., U.S. Patent No. 6,471,694. Applicants have attached an appropriate declaration under 37 C.F.R §1.131, citing facts for the removal of the Kudaravalli reference. As such, Claims 26, 27, 29-30 and 47-52 are believed to be allowable.

On page 3 of the Office Action, Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kudaravalli, et al., '694. Applicants have attached an appropriate declaration under 37 C.F.R §1.131, citing facts for the removal of the Kudaravalli reference. As such, Claim 28 is believed to be allowable.

On page 4 of the Office Action, Claims 47 and 49-52 are rejected under 35 U.S.C.

§103(a) as being unpatentable over Noda, et al, U.S. Patent No. 6,146,411. Claim 47, as amended, recites in part:

“a second coolant flow path between the inlet and the outlet of the subcooler, wherein the second coolant flow path includes a compressor in fluid communication with a condenser outputting coolant to the inlet of the subcooler and receiving coolant from the outlet of the subcooler,”

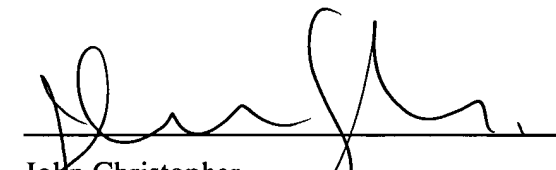
Noda '411 makes no reference to either a compressor or a condenser, let alone disclosing or suggesting that a second coolant flow path include such a compressor or condenser. As Noda '411 fails to make any reference to either a compressor or a condenser in a second coolant flow path, Noda '411 can neither anticipate nor render obvious amended Claim 47. As such, amended Claim 47 is believed to have overcome the rejection under 35 U.S.C. §103(a), and is thus believed to be allowable. Moreover, Claims 49-52 depend from independent Claim 47, and thus are also believed to be allowable.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 26-30, 47, and 49-52 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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John Christopher
Reg. No.: 37,596
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122

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